



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,059	07/06/2001	Guo-Liang Yu	075977-0122	5121

7590 06/26/2008
Michele M. Simkin
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, DC 20007-5143

EXAMINER

ROMEO, DAVID S

ART UNIT	PAPER NUMBER
----------	--------------

1647

MAIL DATE	DELIVERY MODE
-----------	---------------

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09899059	7/6/01	YU ET AL.	075977-0122

Michele M. Simkin
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, DC 20007-5143

EXAMINER

David S. Romeo

ART UNIT	PAPER
----------	-------

1647	20080610
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 03/04/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

According to the restriction requirement mailed 02/14/2007,

“Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1–6 and 11–17 generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. ...

*

*

*

...If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include ... identification of the claims encompassing the elected invention.”

See page 3 of the restriction requirement mailed 02/14/2007.

In the reply filed 03/04/2008 applicants have amended claim 11 such that it no longer recites the generic invention “treat or prevent the inflammation,” but recites instead a Markush group of “tissue-specific inflammatory disorders.” It is unclear which, if any, of the Markush members are encompassed by the elected species “inflammatory bowel disease.”

Applicants must indicate if claim 11 is readable upon the elected species. If claim 11 is readable upon the elected species it would be helpful if Applicants indicated which of the Markush members are encompassed by the elected species “inflammatory bowel disease.”

See 37 CFR 1.111. Specifically “The applicant’s or patent owner’s reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action.”

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/David S Romeo/
Primary Examiner, Art Unit 1647

